

## **REMARKS**

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of January 23, 2009. Claims 1-10, 12-18 and 20-23 are currently pending in this application. Claims 10 and 15-17 have been withdrawn from further consideration. Reconsideration of the application is respectfully requested.

### **I. The Office Action**

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

Claims 1, 2, 3, 5, 6, 7, 8, 18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,180,043 to Yonemochi et al. (hereinafter "Yonemochi").

Claims 4, 9, 12-14, and 21-23 rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonemochi.

### **II. Double Patenting Rejection**

Claim 1 is provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claim 4 of co-pending Application No. 10/534,264. In response, Applicant submits a terminal disclaimer. As such, the rejection should be withdrawn.

### **III. Rejection of Claims 1-3, 5-8, 18 and 20 Under 35 U.S.C. 102(b)**

Claims 1-3, 5-8, 18 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Yonemochi. Applicant submits that this rejection should be withdrawn for at least the following reason. Yonemochi fails to teach or suggest the claimed invention.

Claim 1 recites a method of providing an in-mold coated molded article. The method includes (a) injecting a molten resin into a mold cavity until the molding cavity is substantially filled; (b) allowing the injected molten resin to cool in the molding cavity to form a molded article; (c) injecting a coating composition into the molding cavity and onto the molded article to coat the molded article when at least a surface to be coated of the molded article is determined to have reached a modulus sufficient to support said coating composition; and (d) recording data on a control apparatus about the in-mold coated article by a data collection means. The coating

composition is injected into the molding cavity based on the elapsed time from the beginning of the molding process or the pressure or temperature measured by a sensor. Additionally, the recorded data includes at least one of (i) the elapsed time from the step of injecting the molten resin into the molding cavity until the coating composition is injected into the molding cavity, (ii) the pressure of the molding cavity when the coating composition is initially injected into the molding cavity, and (iii) the temperature in the molding cavity when the coating composition is initially injected into the molding cavity. Yonemochi does not teach or suggest the method of claim 1.

Particularly, Yonemochi fails to teach or suggest a method of providing an in-mold coated molded article including the step of recording data on a control apparatus about said in-mold coated article by a data collection means, the recorded data including at least one of (i) the elapsed time from said step of injecting the molten resin into the molding cavity until said coating composition is injected into the molding cavity, (ii) the pressure of the molding cavity when said coating composition is initially injected into the molding cavity, and (iii) the temperature in the molding cavity when said coating composition is initially injected into the molding cavity. Yonemochi discloses a method of in-mold coating comprising steps including applying a clamping pressure to a mold, reducing the clamping pressure, injecting a coating material between the surface of the mold and the surface of the molded product, and clamping the mold again. Yonemochi does not make any reference to a control apparatus capable of recording data about the in-mold coated article. At best, Yonemochi describes the duration of various molding steps in the Examples. However, there is no indication that this information is recorded, and furthermore, there is no ability to determine a timeline because many steps are not defined by time such as reducing or increasing clamping pressure.

For at least the aforementioned reasons, Applicant asserts that Yonemochi fails to teach or suggest each feature of claim 1, along with claims 2, 3, 5, 6, 7, 8, 18, and 20 that depend therefrom.

In addition, many features in the dependent claims are missing in Yonemochi. In claim 2, Yonemochi is silent with respect to a control apparatus. With respect to claim 3, Yonemochi reduces clamping pressure during injection of the coating which could facilitate a change in molding cavity volume. With respect to claim 6, Yonemochi does not teach establishing a predetermined time for coating composition injection. Claim 7 is not anticipated by Yonemochi

because there is no teaching of a predetermined time for filling a coating metering cylinder. Yonemochi fails to determine a pressure in the molding cavity (clamping pressure is not the same) and use that measurement as a data point for coating injection as required by claim 8. With respect to claim 20, not only does Yonemochi fail to disclose data recordal, the reference also lacks a teaching to use the recorded data for quality control. In view of the above, Applicant respectfully request the rejection be withdrawn.

#### **IV. Rejection of Claims 4, 9, 12-14 and 21-23 Under 35 U.S.C. 103(a)**

Claims 4, 9, 12-14 and 21-23 stand rejected under 35 U.S.C. 103(a) unpatentable over Yonemochi. Applicant respectfully traverses the rejection for at least the following reason. Yonemochi fails to teach or suggest the invention as set forth in the subject claims.

With regard to claim 4, the Examiner asserts that Yonemochi teaches all of the claimed limitations except providing sensors between the mold members that define the mold cavity. However, the Examiner asserts that the exact placement of sensors is a mere matter of choice dependent on the mold equipment availability and is of little patentable consequence since it is not a manipulative feature or step of the claimed process. Applicant respectfully disagrees. The step “providing a sensor between mold members that define the mold cavity” is a manipulative feature in the claimed process. Claim 4 is dependent on claim 1, which requires data to be collected by data collection means. Placing sensors between the mold members is a direct precursor to acquiring data. Additionally, since Yonemochi does not teach data collection, it would not be obvious to place sensors between the mold members.

The Examiner further asserts that the features of claim 9, 12-14 and 21-23 are well known in the art and thus obvious. However, the PTO “cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.” *In re Lee*, 277 F.3d 1338 (Fed. Cir. 2002). “[I]nstead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Lee*, at 1343-46. Applicant asserts that the Examiner’s conclusory statements as to what is obvious to one skilled in the art are improper and Applicant requests that the Examiner provide support of such conclusions.

In this regard, Applicant notes that Yonemochi does not teach or suggest temperature

measurement in the molding cavity (claim 4), remote location recorded data retention (claim 12), a package code reader (claim 13), a user interface having icons (claim 14), comparing molded articles to recorded date to enhance quality (claim 21), or the iterative process of claim 22 to improve molded part quality.

Additionally, claims 4, 9, 12-14 and 21-23 depend from and include all the limitations of independent claim 1, which is distinguishable from Yonemochi as stated above. As such, Applicant respectfully requests the withdrawal of the rejection.

**CONCLUSION**

For at least the reasons detailed above, it is respectfully submitted that all claims remaining in the application (claims 1-10, 12-18 and 20-23) are now in condition for allowance.

Respectfully submitted,

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Date



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